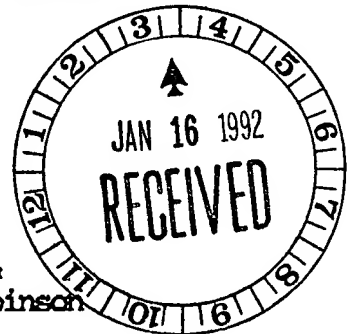


IN THE UNITED STATES PATENT & TRADEMARK OFFICE

PATENT



LAWRENCE A. JOHNSON

Group Art Unit 188
Examiners J. Witz &
D. W. Robinson

Serial No. 07/692,958

[LAJ2]

Filed April 26, 1991

DECLARATION UNDER 37 CFR 1.132

Lawrence A. Johnson deposes and states:

1. That he is the applicant of the above-identified application;
2. That he is a coauthor of each of the following publications:
 - "Flow Sorting of X and Y Chromosome-Bearing Spermatozoa Into Two Populations," *Gamete Research* 16:1-9 (1987);
 - "Flow Cytometry of X and Y Chromosome-Bearing Sperm for DNA Using an Improved Preparation Method and Staining With Hoechst 33342," *Gamete Research* 17:203-212 (1987);
 - "Flow Sorting of X and Y Chromosome-Bearing Mammalian Sperm: Activation and Pronuclear Development of Sorted Bull, Boar, and Ram Sperm Microinjected Into Hamster Oocytes," *Gamete Research* 21:1-9 (1988);

Serial No. 07/692,958

3. That to the best of his knowledge, the cells referred to as "sperm", "sperm heads", "sperm nuclei", "spermatozoa" and the like and which were described in the publications referred to in (2) were subjected to staining and subsequent sorting in a cell sorter were in every case primarily nonviable sperm heads from which the midsections and tails of the sperm had been removed by sonication or other pretreatment;

4. That the staining referred to in (3) was in every case conducted at room temperature (approximately 25C) for a duration of 30 minutes; and

5. That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed Jan 3, 1992.

Lawrence A. Johnson
Lawrence A. Johnson